

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Friday, January 16, 2015
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

10:00 A.M.

1. [13-16702](#)-B-7 MARCO VALENZUELA MOTION TO SELL
PFT-2 12-17-14 [[27](#)]
PETER FEAR/MV
MARK ZIMMERMAN/Atty. for dbt.
PETER FEAR/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

2. [14-15109](#)-B-7 RODOLFO MONTES OPPOSITION RE: TRUSTEE'S MOTION
TMT-1 TO DISMISS FOR FAILURE TO
APPEAR AT SEC. 341(A) MEETING
OF CREDITORS
11-26-14 [[9](#)]

GEORGE ALONSO/Atty. for dbt.

3. [14-12213](#)-B-7 GURPREET DHILLON MOTION TO SELL
PFT-1 12-17-14 [[23](#)]
PETER FEAR/MV
KARNEY MEKHITARIAN/Atty. for dbt.
PETER FEAR/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

4. [13-15130](#)-B-7 BONNY SPRUELL MOTION TO COMPROMISE
PFT-2 CONTROVERSY/APPROVE SETTLEMENT
PETER FEAR/MV AGREEMENT WITH SANDY ASHBY
12-16-14 [[35](#)]

WILLIAM COLLIER/Atty. for dbt.
PETER FEAR/Atty. for mv.

This matter will be continued to January 29, 2015, at 10:00 a.m., for supplemental information. From the pleadings it appears that the trustee has recovered the full amount of the avoidable transfer and it is not clear what remains in controversy requiring court approval, or why the A&C Properties factors apply to this case. The court will prepare a minute order. No appearance is necessary.

5. [13-17341](#)-B-7 HOWARD SAGASER
TGM-4
HEIDI SAGASER/MV
HAGOP BEDOYAN/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

MOTION BY TRUDI G. MANFREDO TO
WITHDRAW AS ATTORNEY
12-19-14 [[565](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

6. [13-17341](#)-B-7 HOWARD SAGASER
WFH-17
SHERYL STRAIN/MV
HAGOP BEDOYAN/Atty. for dbt.
DANIEL EGAN/Atty. for mv.

MOTION FOR APPROVAL OF INTERIM
DISTRIBUTION
12-19-14 [[560](#)]

7. [12-10946](#)-B-7 RONALD/CATHERINE
JTW-2 MONTEVERDE
JANZEN, TAMBERI AND WONG/MV

PETER BUNTING/Atty. for dbt.

MOTION FOR COMPENSATION FOR
JANZEN, TAMBERI & WONG,
ACCOUNTANT(S)
12-16-14 [[136](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

8. [13-13365](#)-B-7 JACOB MATHEW
TGM-4

PETER BUNTING/Atty. for dbt.

MOTION FOR COMPENSATION FOR
TRUDI G. MANFREDO, TRUSTEE'S
ATTORNEY(S)
11-6-14 [[53](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

9. [14-11965](#)-B-7 JACK/MARTHA HOLDER
PFT-1
PETER FEAR/MV
JAMES MILLER/Atty. for dbt.
PETER FEAR/Atty. for mv.

MOTION TO SELL
12-17-14 [[15](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

10. [14-11077](#)-B-7 KEVIN/ROSEMARIE MURRAY MOTION TO SELL
PFT-1 12-17-14 [[29](#)]
PETER FEAR/MV
DEAN FELDMAN/Atty. for dbt.
PETER FEAR/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

11. [14-15589](#)-B-7 SIDNEY/JEANINE JACKSON RESCHEDULED HEARING RE: MOTION
DRJ-1 TO COMPEL ABANDONMENT
SIDNEY JACKSON/MV 11-25-14 [[15](#)]
DAVID JENKINS/Atty. for dbt.
ORDER 12/5/14

The motion has been withdrawn. No appearance is necessary.

12. [14-11495](#)-B-7 JANIS SCHMIDT MOTION TO COMPROMISE
TGM-3 CONTROVERSY/APPROVE SETTLEMENT
JAMES SALVEN/MV AGREEMENT WITH KEITH SCHMIDT
12-19-14 [[42](#)]
TRUDI MANFREDO/Atty. for mv.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

13. [14-10398](#)-B-7 LAURA GEIGER CONTINUED MOTION TO CONVERT
PLF-1 CASE FROM CHAPTER 7 TO CHAPTER
LAURA GEIGER/MV 13
10-2-14 [[32](#)]
PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

14. [14-14398](#)-B-7 MARK BROWN NOTICE OF FILING REPORT OF NO
DISTRIBUTION
10-30-14 [[9](#)]
HILTON RYDER/Atty. for dbt.
RESPONSIVE PLEADING

15. [14-11499](#)-B-7 JULIANA GRAHAM-CANTU MOTION TO SELL
SAS-1 12-11-14 [[20](#)]
SHERYL STRAIN/MV
JERRY LOWE/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

16. [14-14999](#)-B-7 GISELLE GUTSENS OBJECTION TO DEBTOR'S CLAIM OF
JES-1 EXEMPTIONS
JAMES SALVEN/MV 12-13-14 [[13](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent's default will be entered and the trustee's objection will be sustained without oral argument for the reasons stated. The debtor's exemptions under California law will be disallowed. The debtor shall have 21 days to file and serve a properly amended exemption schedule using Florida law. The court will issue a civil minute order. No appearance is necessary.

17. [13-11508](#)-B-7 CANDACE SPENCE CONTINUED MOTION FOR
DRJ-3 COMPENSATION FOR DAVID R.
JENKINS, TRUSTEE'S ATTORNEY(S)
11-11-14 [[52](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

18. [12-60444](#)-B-7 CARLOS/MARIA GUTIERREZ CONTINUED MOTION FOR
DRJ-5 COMPENSATION FOR DAVID R.
JENKINS, TRUSTEE'S ATTORNEY(S)
11-11-14 [[205](#)]

THOMAS GILLIS/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

19. [14-15465](#)-B-7 CYNTHIA PARRA MOTION FOR WAIVER OF THE
CYNTHIA PARRA/MV CHAPTER 7 FILING FEE OR OTHER
MARK SIEGEL/Atty. for dbt. FEE
12-23-14 [[22](#)]

20. [14-15949](#)-B-7 RUBEN HERNANDEZ
ALG-1 MOTION TO EXTEND AUTOMATIC STAY
RUBEN HERNANDEZ/MV 1-7-15 [[11](#)]
JANINE ESQUIVEL/Atty. for dbt.
21. [14-16042](#)-B-7 ANIELLO BIANCO
WW-1 MOTION TO COMPEL ABANDONMENT
ANIELLO BIANCO/MV 1-8-15 [[13](#)]
RILEY WALTER/Atty. for dbt.
OST 1/8/15
22. [13-13062](#)-B-7 CECILY WATERMAN
KDG-6 CONTINUED MOTION TO COMPEL
JEFFREY VETTER/MV 11-24-14 [[61](#)]
LEONARD WELSH/Atty. for dbt.
LISA HOLDER/Atty. for mv.

This matter will be dropped from calendar without a disposition. The matter appears to have been settled in the motion below. No appearance is necessary.

23. [13-13062](#)-B-7 CECILY WATERMAN
KDG-7 CONTINUED MOTION TO COMPROMISE
JEFFREY VETTER/MV CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH CECILY WATERMAN
LEONARD WELSH/Atty. for dbt. 12-18-14 [[73](#)]
LISA HOLDER/Atty. for mv.

This matter was continued for the submission of supplemental information and further review. There was no opposition to the motion. Based on that review, the motion will be granted without the need for a continued hearing for the reasons stated. The trustee shall submit a proposed order. No appearance is necessary.

10:30 A.M.

1. [14-14822](#)-B-7 BRIAN NUNES MOTION FOR RELIEF FROM
RCO-1 AUTOMATIC STAY
GREEN TREE SERVICING, LLC/MV 12-12-14 [[14](#)]
RICK BANKS/Atty. for dbt.
KRISTI WELLS/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there is no opposition from the trustee. The debtor has filed a notice of non-opposition. Accordingly, the motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

2. [14-15470](#)-B-7 TONY WOODRUFF MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
SANTANDER CONSUMER USA, 12-12-14 [[12](#)]
INC./MV
AUSTIN NAGEL/Atty. for mv.

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

3. [14-14975](#)-B-7 LINDA SVENHARD
ASW-1
BANK OF AMERICA, N.A./MV
GEOFFREY ADALIAN/Atty. for dbt.
JOELY BUI/Atty. for mv.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-19-14 [[18](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5 to the extent that it applies. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

11:00 A.M.

1. [14-15551](#)-B-7 MARIA IBARRA

PRO SE REAFFIRMATION AGREEMENT
WITH FIRST CALIFORNIA FEDERAL
CREDIT UNION
12-30-14 [[15](#)]